

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

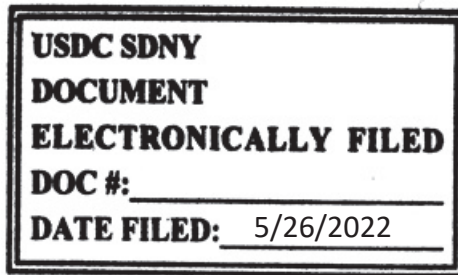
Raphy Sanchez,

Plaintiff,

-against-

2050 Valentine Avenue LLC et al.,

Defendants.



1:21-cv-06305 (SDA)

ORDER

STEWART D. AARON, UNITED STATES MAGISTRATE JUDGE:

This case contains claims under the Fair Labor Standards Act. On March 7, 2022, the parties informed the Court that they had reached a settlement in principle on all issues. (3/7/2022 Letter, ECF No. 24.) On March 8, 2022, the Court entered an Order directing the parties to provide a copy of the settlement agreement to the Court together with a letter explaining why the settlement is fair, reasonable and adequate under *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199, 206 (2d Cir. 2015). (See 3/8/2022 Order, ECF No. 25.) Plaintiff filed the motion for settlement approval on April 2, 2022, along with a copy of the Settlement Agreement signed by Plaintiff and, on April 5, 2022, Defendants filed the signature page of the Settlement Agreement executed on behalf of Defendants. (See Pl.'s Motion, ECF No. 27; 4/5/2022 Letter, ECF No. 29.) On May 24, 2022, an Order was issued on the parties' consent referring disposition of this matter to the undersigned pursuant to 28 U.S.C. § 636(c). (ECF No. 31.)

Having reviewed the proposed settlement, the Court finds that it is fair and reasonable, given both the nature and scope of Plaintiff's individual claims as well as the risks and expenses involved in additional litigation. See *Wolinsky v. Scholastic, Inc.*, 900 F. Supp. 2d 332, 335-36 (S.D.N.Y. 2012).

In addition, Plaintiff seeks approval of \$12,819 in attorney's fees, which is one-third of the settlement amount after costs, and \$542 in costs. (See Pl.'s Motion at 5-6.) Courts in this Circuit typically approve attorney's fees in the amount of one-third of the total recovery. *See, e.g., Ramos v. DNC Food Serv. Corp.*, No. 19-CV-02967 (VSB), 2022 WL 576300, at *2 (S.D.N.Y. Feb. 25, 2022) (citing cases). In line with that precedent, the Court finds that the requested attorney's fees are fair and reasonable. In reaching this conclusion, the Court makes no findings with respect to the reasonableness of counsel's hourly rates.

For these reasons, the Court approves the settlement. This action is dismissed with prejudice and without costs except as may be stated in the Settlement Agreement. The Clerk of Court is respectfully requested to close this case.

SO ORDERED.

DATED: New York, New York
May 26, 2022



STEWART D. AARON
United States Magistrate Judge